

**GOVERNMENT OF PUDUCHERRY
LABOUR DEPARTMENT**

(G.O. Rt. No. 93/Lab./AIL/J/2013, dated 14th June 2013)

NOTIFICATION

Whereas, an award in I.D. No. 1/2011, dated 20-2-2013 of the Labour Court, Puducherry in respect of the industrial dispute between the management of M/s. Superfil Products Limited, Villianur, Puducherry and Superfil Products Workers Union, over refusal of employment and unfair labour practice on the part of management in respect of its workmen (1) Thiru A. Thiruneelakandan, (2) M. Umapathy, (3) C. Murugan and (4) S. Murugan has been received;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947) read with the notification issued in Labour Department's G.O. Ms. No. 20/91/Lab./L, dated 23-5-1991, it is hereby directed by Secretary to Government (Labour) that the said award shall be published in the official gazette, Puducherry.

(By order)

S. THAMMU GANAPATHY,
Under Secretary to Government (Labour).

BEFORE THE LABOUR COURT AT PUDUCHERRY

Present : Thiru T. MOHANDASS, M.A., M.L.,
Presiding Officer, Labour Court.

Wednesday, the 20th day of February 2013

I.D. No. 1/2011

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|------------------------|----|------------|
| 1. A. Thiruneelakandan | .. | Petitioner |
| 2. M. Umapathy | | |
| 3. C. Murugan | | |
| 4. S. Murugan | | |

Versus

The Managing Director, Superfil Products Limited, Mangalam Road, Villianur.	..	Respondent
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This industrial dispute coming on 11-2-2013 before me for final hearing in the presence of Thiruvalargal L. Sathish, N. Krishnamurthy, T. Pravin and V. Veeraragavan, Advocates for the petitioner and Thiru R. Ilancheliyan, Advocate for the respondent, upon hearing both sides, upon perusing the case records, after having stood over for consideration till this day, this court passed the following:

AWARD

This industrial dispute arises out of the reference made by the Government of Puducherry *vide* G.O. Rt. No. 5/AIL/Lab./J/2010, dated 6-1-2011 of the Labour Department, Puducherry to resolve the following dispute between the petitioner and the respondent, *viz.*,

(1) Whether the dispute raised by the Superfil Products Workers Union against the management of M/s. Superfil Products Limited, Puducherry, over refusal of employment and unfair labour practice of the workers *viz.*, (1) A. Thiruneelakandan, (2) M. Umapathy, (3) C. Murugan and (4) S. Murugan is justified or not?

(2) If justified, to what relief, the petitioners are entitled to?

(3) To compute the relief, if any, awarded in terms of money, if it can be so computed?

2. The petitioners in their petition have stated as follows:

The first petitioner is the permanent worker of the respondent management, having put in more than six years of service with the respondent. On 10-9-2009 the first petitioner received the copy of the charge sheet, dated 21-8-2009 in Tamil accusing him of various misconducts.

The first petitioner received a letter, dated 14-5-2009, suspending him from 16-5-2009 for the alleged commission of serious misconducts. The said suspension order was revoked by the respondent on 20-5-2009 in view of the illegal lockout declared by the management, which was subsequently lifted on 16-7-2009. Once again the respondent imposed suspension pending enquiry on 1st petitioner with effect from 16-7-2009 and he continues to be under suspension as on this date.

The first petitioner gave a befitting reply to the charge sheet on 16-9-2009. Not satisfying with the reply on 1-10-2009, one Venkataraman, a paid consultant of the respondent, was appointed as Enquiry Officer and after conducting the enquiry in utter violation and disregard to the principles of natural justice, the first petitioner was served with enquiry report, dated 14-12-2010 which was prepared by one Mugundhan, who had nothing to do with the domestic enquiry. The first petitioner was found to be guilty of all the charges. However, in spite of so called enquiry report, dated 14-10-2010, being submitted to the respondent, the respondent has not taken any action based on the said enquiry report and has kept the first petitioner under suspension on payment of bare minimum subsistence allowance of 25%. Even the second show cause notice was issued to the first petitioner only on 10-10-2011, which was suitably replied by him on 18-10-2011.

The 2nd, 3rd and 4th petitioners received a letter, dated 14-5-2009, suspending them from 16-5-2009 for the alleged commission of serious misconducts. The said suspension order was revoked by the respondent on 20-5-2009 in view of illegal lockout declared by it, which was lifted on 16-7-2009 and once again the respondent management imposed suspension pending enquiry on them with effect from 16-7-2009.

On 11-9-2009 the 2nd, 3rd and 4th petitioners received Tamil translation of individual charge sheet, dated 31-8-2009 accusing them of various serious misconducts. The 2nd, 3rd and 4th petitioners replied to the charge sheet on 16-9-2009. Not satisfying with the reply, one Thilagavathy was appointed as Enquiry Officer and after conducting the enquiry in utter violation and disregard to the principles of natural justice, the petitioners No. 2 to 4 were served with a letter, dated 4-5-2010 along with enquiry report, dated 24-4-2010 calling for their explanation on the findings of the Enquiry Officer and they submitted their explanation on 17-5-2010. On 31-8-2010, the respondent reinstated the petitioners No. 2 to 4 but imposed the punishment of treating the suspension period as absence and withholding of increment for one year on grounds that the charges against them stood proved. Hence, this industrial dispute is filed to reinstate the first petitioner into service with full back wages and to pay the full back wages to the petitioners No. 2 to 4 with continuity of service from the date of their suspension *i.e.*, on 14-5-2009 till 31-8-2010, when they were reinstated.

3. The respondent in his counter has stated as follows:

On 12-11-2008 a settlement was arrived at under section 12 (3) of the Industrial Disputes Act, 1947 before the Labour Officer for a period of three years and when the settlement was in operation, the petitioner union in violation of the terms of settlement raised some additional demands and resorted to various unethical acts and unfair labour practice. In support of the same, few of the workers *i.e.*, the petitioners herein entered into direction action and committed grievous misconducts while on duty. Therefore, the respondent was constrained to take disciplinary action under the provisions of Industrial Employment and Standing Orders Act and the petitioners were suspended with effect from 16-5-2009. Consequently, the petitioners also instigated further violence on account of which, the respondent was forced to declare lockout of the factory. Since the union demanded to revoke the suspension order issued to the petitioners and demanded to lift the

lockout, the suspension orders were withdrawn and lockout was lifted. However, when the day on which the lockout was lifted, the attitude of the above said workers remained unchanged and therefore, again they were placed under suspension.

The petitioners were under suspension for their grievous misconducts committed individually for which separate charge sheets were issued and individual enquiry were conducted and based on the findings of the independent enquiry report, proportionate punishment were awarded by the respondent. In case, the petitioners are having any grievance against the punishment or any claim whatsoever they have to raise dispute separately to settle the grievance if any and seeking relief under this dispute is not maintainable. Hence they pray for dismissal of the industrial dispute.

4. On the side of the petitioner, PW.1 was examined and Ex.P1 to Ex.P72 were marked. On the side of the respondent, RW.1 was examined and Ex.R1 to Ex.R6 were marked.

5. *The point for consideration is:*

Whether the industrial dispute can be allowed?

6. *On this point:*

The contention of the petitioners is that they are all members of Superfil Products Workers Union, in which the first petitioner is the President and the other petitioners are its office bearers and all the petitioners were issued with a charge sheet, dated 31-8-2009 levelling charges of various misconducts and they were suspended on 16-5-2009 which was revoked on 20-5-2009 in view of the illegal lockout declared by the management and they were once again suspended from 16-7-2009 once the lockout was lifted and the domestic enquiry conducted against them were in total contravention of the principles of natural justices fair play, equity and good conscience. The petitioners further contended that only after more than 1½ years from the date of suspending them, on 31-8-2010 the respondent reinstated the 2nd to 4th petitioners by imposing punishment of treating the suspension period as absence and withholding an increment for one year and the first petitioner was terminated from service after 2½ years of commencement of enquiry proceedings.

7. *Per contra*, the contention of the respondent is that the petitioners were involved in gross misconducts while on duty and since they are violent and uncontrollable, they were placed under suspension and the suspension order and the lockout against the petitioners were withdrawn on demand from the workers, but the attitude of the petitioners

remained unchanged and therefore the suspension was re-imposed on them. The respondent further contended that the enquiry was conducted under principles of natural justice and based on the findings of an independent Enquiry Officer, the proportionate punishment is awarded.

8. On the side of the petitioners, the first petitioner was examined as PW.1. PW.1 in his evidence has deposed that being the President of Superfil Products Workers Union, he is a protected workman as defined under section 33(4) of the Industrial Disputes Act and in fact 25-3-2009 under Ex.P38 their union gave a letter declaring 14 workers as protected workmen and the respondent replied to the said letter *vide* its letter, dated 28-3-2009 under Ex.P39, asking the union to submit only 8 workers as protected workmen and accordingly their union gave letter, dated 8-4-2009 under Ex.P40 declaring only 8 workers as its protected workmen including himself. PW.1 further deposed that the said letter was received by the respondent but not replied to which would only mean that the respondent accepted the letter, dated 8-4-2009.

9. Ex.P38 to Ex.P40 would prove the said version of PW.1 and hence PW.1 is a protected workman. Section 33(4) of the Industrial Disputes Act mandates that any change in service condition of protected workman can be done only with prior permission of the authority before whom an industrial dispute is already pending. In this case, the present industrial dispute was filed on 8-12-2011, whereas the first petitioner PW.1 was terminated from service on 15-12-2011 as could be seen from the termination order under Ex.P43. At the time when the respondent dismissed PW.1 from service, the present industrial dispute challenging his suspension is pending and hence the respondent was bound to seek permission for his dismissal, which they have not done and therefore, dismissal order of PW.1 is vitiated.

10. Further as per section 33 (2) (a) of the Industrial Disputes Act, the permission for dismissal must be obtained by the management from the authority before whom any other industrial dispute connected to the issue of dismissal of the workmen is pending. In the present case, PW.1 was suspended in connection with the charge sheet issued to him under Ex.P5 and PW.1 challenged the said suspension, which is being adjudicated by this court in the present dispute. For the same charge sheet, the respondent has dismissed PW.1 from service without any prior permission of this court and hence the dismissal of PW.1 is violative of section 33(2)(a) of the Industrial Disputes Act.

11. PW.1 further deposed that the 2nd to 4th petitioners received letter, dated 14-5-2009 suspending them from 16-5-2009 for the alleged commission of

serious misconducts and the said suspension order was revoked by the respondent on 20-5-2009 in view of the illegal lockout declared by it, which was lifted on 16-7-2009 and once again the respondent management imposed suspension pending enquiry on them with effect from 16-7-2009. PW.1 further deposed that 2nd to 4th petitioners replied to the charge sheet on 16-9-2009 and not satisfied with the reply given, the respondent appointed one Thilagavathy, Advocate as an Enquiry Officer to conduct enquiry on charges levelled against them and the said Enquiry Officer conducted the enquiry in complete violation and disregard to the principles of natural justice, fair play, equity and good conscience and hurriedly set all the petitioners *ex parte* and closed the enquiry proceedings and the respondent served the letter, dated 4-5-2010 along with the enquiry report, dated 24-4-2010 calling for explanation from the 2nd to 4th petitioners on findings of Enquiry Officer and they submitted their explanation on 17-5-2010 and on 31-8-2010 the respondent reinstated them but imposed the punishment of treating the suspension period as absence *i.e.*, from 14-5-2009 till 31-8-2010 and withholding of increment for one year on grounds that the charges against the 2nd to 4th petitioner stood proved.

12. The learned counsel for the respondent has submitted that the petitioners entered into direct action and committed grievous misconducts while on duty. Therefore, the respondent was constrained to take disciplinary action. As a precaution to avoid instigation of violence inside the factory, they were placed under suspension with effect from 16-5-2009. In view of the sinister acts of the petitioners, the respondent was forced to declare lockout of the factory and subsequently, the union demanded to revoke the suspension order and also to lift the lockout. With a view of restoring normalcy, the suspension order issued to the petitioners were revoked and the lockout was lifted. However, on the day of lifting of lockout, the attitudes of the petitioners were violent and dangerous and therefore, in the interest of the restoring peace and tranquility, they were again suspended. Now the burden is on the respondent to prove that the charges levelled against the petitioners are proved through the domestic enquiry.

13. On the side of the petitioners, the copy of the charge sheets were marked as Ex.P5, Ex.P47, Ex.P58 and Ex.P67 issued to petitioners No.1 to 4 respectively. A perusal of those documents reveals that neither the respondent nor the enquiry officer gave copies of the documents filed by the management to enable the petitioners to understand the exact nature of charges levelled against them. Even the list of witnesses based

on which the management proposed to prove the guilt, were not given to them. In fact, it is mandatory that along with the charge sheet, the respondent is required to furnish the complete list of documents and the list of witnesses proposed to be used during the enquiry proceedings to prove the guilt. The charge sheet does not contain any of those vital particulars. Hence, the Enquiry Officer did not discharge his duties properly.

14. On the side of the petitioners, the enquiry reports in respect of PW.1 were marked as Ex.P37, Ex.P50, Ex.P61 and Ex.P69 respectively. The respondent management ensured that none of the witnesses produced by them are cross-examined by the petitioners. In fact the reasonable and logical demand of the petitioners of cross-examining all the witnesses of the management together after examination in chief of those witnesses on grounds of possibilities of a witness tutoring the other after cross-examination was not accepted by the Enquiry Officer. The Enquiry Officers and respondent even refused to permit the petitioners to recall the management witnesses for cross-examination and had been hyper technical in refusing to reopen the matter after setting them *ex parte*. Such attitude of the Enquiry Officers clearly showed that they were biased and pre-determined. Further the Enquiry Officers did not allow the petitioners to give evidence or examine witnesses on their behalf. The Enquiry Officer thought it fit to close their side without even giving the petitioners an opportunity to produce their witnesses or examine themselves in the case. Further a perusal of the enquiry reports under Ex.P37, Ex.P50, Ex.P61 and Ex.P69 further reveals that the respondent could not produce any acceptable evidence to prove any of the misconducts levelled against the petitioners. Apart from the above, the respondent engaged one Venkatraman as Enquiry Officer for the enquiry of PW.1, but gave the enquiry report through one Mukundan, Advocate, which is unknown and unheard of that in industrial jurisprudence.

15. It is pertinent to note that the respondent did not appoint any presenting officer to put forth its case and the Enquiry Officer acted as the presenting officer for the respondent management. The Enquiry Officer was completely ignorant of enquiry proceedings and was dictated by the management in conducting the enquiry. Further the first petitioner sent a letter, dated 16-11-2009 under Ex.P17 seeking defence assistant, objections regarding wrong recording of evidence *vide* letter, dated 16-11-2009 under Ex.P16 and letter dated 15-12-2009 under Ex.P23 requesting cross-examination of all the witnesses together, for adjournments of enquiry *vide* letter, dated 20-2-2010 under Ex.P27 and 2-5-2010 to the Enquiry Officer, but none of the letters were replied by the Enquiry Officer and they were all

replied by the management and all decisions on those letters, which were required to have been taken only by the Enquiry Officer, were taken by the management. The enquiry report prepared by Mr. Mukundan, Advocate on behalf of Mr. Venkataraman was handed over to the respondent on 14-12-2010 under Ex.P37. But the respondent did not pass final order against PW.1 and kept him under suspension pending enquiry and he was terminated from service on 15-12-2011 as could be seen from the termination order under Ex.P43. It shows the indecisiveness and incompetence of the respondent. The respondent's inability to pass final orders by itself is sufficient for this court to set aside the entire enquiry proceedings. Though the respondent has stated that they have conducted the enquiry in a proper manner by giving sufficient opportunities to the petitioners, they have not filed the enquiry proceedings to prove the said version. In the above circumstances, the termination of the first petitioner is bad in law and the same is liable to be set aside. Likewise since the charges against the 2nd to 4th petitioners have not been proved through enquiry by the respondents, they are entitled to get the full back wages with continuity of service from the date of suspension *i.e.*, on 14-5-2009 till 31-8-2010, when they were reinstated.

16. The learned counsel for the petitioners has submitted that the respondent has not paid the subsistence allowance as per law and hence the entire enquiry proceedings must be held to be vitiated. In order to support his claim, he relied upon the following decision:

2003-I-LLJ:

Ranjit Singh and Another Versus Presiding Officer, Industrial Tribunal, Punjab and others:

"Held: The High Court observed the employer was bound to pay subsistence allowance to the appellants during the pendency of application filed under section 33(1) of the Industrial Disputes Act, 1947.

Suspension did not sever the relationship of master and servant and therefore the employee remained entitled to subsistence allowance, it was further observed.

The fact that the appellants did not challenge the order of the Tribunal rejecting their claim for subsistence allowance could not be made a ground to deny relief, as the said order was interlocutory in nature and got merged in the final order."

17. In this regard, PW.1 has stated that the respondent suspended the petitioners on 16-5-2009 and they declared illegal lockout on 20-5-2009 which is a subject matter of dispute before this court in I.D. No. 16/2009 and after declaring lockout, the

suspension order against them was illegally revoked thereby denying them even bare minimum subsistence allowance. PW.1 further deposed that the respondent lifted the lockout on 16-7-2009 and once again re-imposed suspension on the petitioners and thus the respondent did not pay any money to them from 20-5-2009 to 16-7-2009 and the non-payment of subsistence allowance from 20-5-2009 to 16-7-2009 by itself vitiates the entire proceedings.

18. In order to prove that the respondent has not paid the subsistence allowance to the petitioners, PW.1 has marked the copy of the order passed in C.P. No. 6/2010 as Ex.P41 and in C.P. No. 3/2010 as Ex.P42. A perusal of Ex.P41 reveals that the petitioners have filed the C.P. No. 6/2010 against the respondent directing them to pay the arrears of subsistence allowance, which was allowed by this court on 14-7-2011. Likewise the first petitioner has filed C.P. No. 3/2011 directing to pay the arrears of subsistence allowance of ₹ 46,515 and the same was allowed by this court on 24-11-2011. In fact RW.1 in his cross-examination has also admitted that they have not paid the subsistence allowance from 14-5-2009 to 16-7-2009 and in this regard, the C.P. No. 6/2010 was filed by the petitioners before this court. RW.1 has also admitted in his cross-examination that the first petitioner has filed C.P. No. 3/2011 and this court allowed the said petitioner directing the respondent to pay a sum of ₹ 46,515 to the first petitioner and in order to implement the said order, the first petitioner has taken revenue recovery against them. Hence, the petitioners have proved that the respondent has not paid the subsistence allowance as per law. The non-payment of subsistence allowance by itself is against the principles of natural justice and therefore the entire enquiry proceedings must be held to be vitiated.

19. The learned counsel for the respondent has submitted that the petitioners were prevented from attending their work with sufficient cause against which they have raised an industrial dispute before the conciliation machinery and upon failure of the conciliation proceedings, the matter was referred for adjudication before this court with clear terms of reference. He further submitted that the order of reference specifies the point of reference for adjudication namely "Whether the refusal of employment and unfair labour practice is justified?", whereas the first petitioner claims different relief not connected with the terms of reference and the terms of reference are only regarding refusal of employment and unfair labour practice and not for non-employment and in such a situation, the Labour Court cannot travel beyond the scope of the terms of reference and the claim of the petitioner is to be dismissed. In order to support his claim, he relied upon the following decisions:

2012 LLR 191:

"Regularisation - Muster roll driver having about 8 years service alleged that he demanded permanency of job as he had passed the required trade test but was terminated - Claim for reinstatement with continuity of service and back wages was filed by the workman - Stand of the management is that the workman himself had abandoned the job and could not be selected as a permanent driver as he did not possess minimum educational qualification of being eighth class pass - Labour Court passed the Award directing the Management to appoint the workman as a regular driver with 50% back wages relaxing the educational qualification - Management challenged the Award of Labour Court on the ground *inter alia* that it was without jurisdiction as far as regularisation is concerned - Held, Labour Court was not justified in giving the relief of regularisation since it was neither the dispute referred to it nor such a claim of the workman himself nor incidental to the real dispute - Labour Court cannot travel beyond the terms of reference - Accordingly Award of the Labour Court is modified to the extent that the workman is entitled only to the relief of reinstatement with 50% back wages as a muster roll employee and not as a regular employee."

20. The Government of Puducherry has made the reference in this industrial dispute which states,

"Whether the dispute raised by the Superfil Products Workers Union against the management of M/s. Superfil Products Limited, Puducherry over refusal of employment and unfair labour practice of the workers *viz.*, (1) Thiruneelakandan, (2) M. Umapathy, (3) C. Murugan and (4) S. Murugan is justified or not?"

21. The respondent themselves have admitted that the reference is only about adjudication on the unfair labour practice complained against them and not against the petitioners, which is evidence from their counter statement as well as their written arguments. There is a typographical error in the 1st point of the reference made by the Government of Puducherry and hence the first point of the reference must be read only as follows:

"Whether the dispute raised by the Superfil Products Workers Union against the management of M/s. Superfil Products Limited, Puducherry over refusal of employment and unfair labour practice against the workers *viz.*, (1) Thiruneelakandan, (2) M. Umapathy, (3) C. Murugan and (4) S. Murugan is justified or not?"

As already stated, the respondent has played the unfair labour practice against the petitioners and hence the punishment orders passed against them

are liable to be set aside. Hence, the decision relied on by the learned counsel for the respondent is not applicable to the present facts and circumstances of the case.

22. Finally, the learned counsel for the respondent has submitted that according to the above Government Order. The dispute was raised by Superfil Products Workers Union against this respondent and in case the dispute was raised by Superfil Products Workers Union, this is a dispute under section 2K of the Industrial Disputes Act, 1947 and only the union is having the authority to represent the case and in this dispute one Thiruneelakandan is representing for himself and on behalf of the other petitioners in his personal capacity and therefore the said Thiruneelakandan does not have any *locus standi* to represent this case and in case the dispute is to be taken as a reference under the said 2-A of the Act, the said Thiruneelakandan has not filed any authorisation to represent the other petitioners in this dispute.

23. It is true that Thiruneelakandan, the first petitioner herein, is representing for himself and on behalf of the other petitioners in his personal capacity, for which no authorisation was given by the other petitioners *i.e.*, petitioners No. 2 to 4 to the first petitioner. But for the simple technical reason, the entire petitioner's case cannot be thrown out, since the petitioners have proved the unfair labour practice against them by the respondent. Hence, much weightage cannot be given to the said aspect. In the above circumstances, the termination order issued by the respondent to the first petitioner is bad in law and the same is liable to be set aside and the petitioner No. 1 is entitled to get the reinstatement with continuity of service and full back wages and the petitioners No. 2 to 4 are entitled for full back wages with continuity of service from the date of their suspension till their reinstatement. Accordingly, this point is answered.

22. In the result, the industrial dispute is allowed and the respondent is directed to reinstate the first petitioner into service with continuity of service and full back wages and the respondent is also directed to pay the full back wages with continuity of service to the petitioners No. 2 to 4 from the date of their suspension *i.e.* from 14-5-2009 till 31-8-2010, when they were reinstated. No costs.

Typed to my dictation, corrected and pronounced by me in the open court on this the 20th day of February 2013.

T. MOHANDASS,
Presiding Officer, Labour Court,
Puducherry.

List of petitioner's witness :

PW.1 — 12-9-2012 — Thiruneelakandan

List of respondent's witness :

RW.1—12-10-2012 — Uma Maheshwari

List of petitioner's exhibits :

- Ex.P1 — Copy of the failure report, dated 16-4-2010.
- Ex. P2 — Copy of the suspension order issued to 1st petitioner, dated 14-5-2009.
- Ex.P3 — Copy of the revocation of suspension, dated 20-5-2009.
- Ex.P4 — Copy of the reimposition of suspension by the respondent, dated 16-7-2009.
- Ex.P5 — Copy of the charge sheet issued to the first petitioner, dated 21-8-2009.
- Ex.P6 — Copy of the reply issued by 1st petitioner, dated 16-9-2009.
- Ex.P7 — Copy of the enquiry notice to the first petitioner, dated 1-10-2009.
- Ex.P8 — Copy of the letter given by the 1st petitioner, dated 14-10-2009 to the respondent.
- Ex.P9 — Copy of the letter issued by the respondent to the first petitioner, dated 21-10-2009.
- Ex.P10 — Copy of the letter, dated 28-10-2009 given by the respondent.
- Ex.P11 — Copy of the letter given by the 1st petitioner, dated 28-10-2009.
- Ex.P12 — Copy of the letter given by the 1st petitioner, dated 31-10-2009 to the respondent.
- Ex.P13 — Copy of the letter by respondent to the first petitioner, dated 8-12-2009.
- Ex.P14 — Copy of the first petitioner to the respondent, dated 8-12-2009.
- Ex.P15 — Copy of the letter by the respondent to the 1st petitioner, dated 10-11-2009.
- Ex.P16 — Copy of the letter given by the 1st petitioner, dated 16-11-2009.
- Ex.P17 — Copy of the letter given by 1st petitioner, dated 16-11-2009.
- Ex.P18 — Copy of the letter by respondent, dated 23-11-2009 to the Enquiry Officer.
- Ex.P19 — Copy of the letter, dated 26-11-2009 to the first petitioner.
- Ex.P20 — Copy of the letter by 1st petitioner to respondent, dated 26-11-2009.

Ex.P21 — Copy of the letter given by the respondent, dated 27-11-2009 to 1st petitioner.	Ex.P45 — Copy of the letter, dated 20-5-2009 by respondent to 2nd petitioner.
Ex.P22 — Copy of the letter given by 1st petitioner to respondent, dated 28-11-2009.	Ex.P46 — Copy of the letter, dated 16-7-2009 by respondent to 2nd petitioner.
Ex.P23 — Copy of the letter given by 1st petitioner to the Enquiry Officer, dated 15-12-2009.	Ex.P47 — Copy of the charge sheet given by respondent to 2nd petitioner, dated 31-8-2009.
Ex.P24 — Copy of the letter given by the respondent to 1st petitioner, dated 15-12-2009.	Ex.P48 — Copy of the reply, dated 16-9-2009 by 2nd petitioner.
Ex.P25 — Copy of the letter given by 1st petitioner, dated 15-12-2009.	Ex.P49 — Copy of the letter, dated 27-2-2010 given by 2nd petitioner to respondent.
Ex.P26 — Copy of the letter given by 1st petitioner to respondent, dated 28-1-2010.	Ex.P50 — Copy of the letter given by 2nd petitioner to Enquiry Officer.
Ex.P27 — Copy of the letter given by 1st petitioner to the respondent, dated 20-2-2010.	Ex.P51 — Copy of the show cause notice by respondent to 2nd petitioner.
Ex.P28 — Copy of the reply letter given by respondent to 1st petitioner, dated 25-2-2010.	Ex.P52 — Copy of the reply given by 2nd petitioner, dated 17-5-2010.
Ex.P29 — Copy of the letter given by 1st petitioner to the respondent, dated 27-2-2010.	Ex.P53 — Copy of the letter punishment order given by respondent to second petitioner.
Ex.P30 — Copy of the letter by respondent to 1st petitioner, dated 5-4-2010.	Ex.P54 — Copy of the letter given by 2nd petitioner, dated 7-9-2010 to respondent.
Ex.P31 — Copy of the reply by 1st petitioner to the respondent, dated 23-4-2010.	Ex.P55 — Copy of the letter given by respondent to 3rd petitioner, dated 14-5-2009.
Ex.P32 — Copy of the letter given by respondent to 1st petitioner, dated 13-5-2010.	Ex.P56 — Copy of the letter given by respondent to 3rd petitioner, dated 20-5-2009.
Ex.P33 — Copy of the reply by 1st petitioner to respondent, dated 13-5-2010.	Ex.P57 — Copy of the letter by respondent to 3rd petitioner, dated 16-7-2009.
Ex.P34 — Copy of the letter by 1st petitioner to the respondent, dated 12-6-2010.	Ex.P58 — Copy of the charge sheet by respondent to 3rd petitioner, dated 31-8-2009.
Ex.P35 — Copy of the letter by respondent to 1st petitioner, dated 22-7-2010.	Ex.P59 — Copy of the letter, dated 13-2-2010 by 3rd petitioner to Enquiry Officer.
Ex.P36 — Copy of the letter by 1st petitioner to respondent, dated 14-7-2010.	Ex.P60 — Copy of the letter given by 3rd petitioner dated 27-2-2010 to the respondent.
Ex.P37 — Copy of the enquiry report, dated 14-12-2010.	Ex.P61 — Copy of the show cause notice with enquiry report, dated 4-5-2010.
Ex.P38 — Copy of the letter by petitioners union, dated 25-3-2009.	Ex.P62 — Copy of the letter punishment order given by respondent to 3rd petitioner, dated 31-8-2010.
Ex.P39 — Copy of the letter given by respondent to petitioner, dated 28-3-2009.	Ex.P63 — Copy of the letter given by 3rd petitioner to respondent, dated 7-9-2010.
Ex.P40 — Copy of the letter, dated 8-4-2009 by petitioners union.	Ex.P64 — Copy of the letter by respondent to 4th petitioner, dated 14-5-2009.
Ex.P41 — Copy of the order passed in C.P. No. 6/2010, dated 14-7-2011.	Ex.P65 — Copy of the letter, dated 20-5-2009 by respondent to 4th petitioner.
Ex.P42 — Copy of the order passed in C.P. No. 3/2011, dated 24-11-2011.	Ex.P66 — Copy of the letter, dated 16-7-2009 by respondent to 4th petitioner.
Ex.P43 — Copy of the termination order sent to the first petitioner, dated 15-12-2011.	Ex.P67 — Copy of the charge sheet, dated 31-8-2009 given to 4th petitioner.
Ex.P44 — Copy of the reply given by 1st petitioner, dated 6-1-2012 to respondent.	

- Ex.P68 — Copy of the reply, dated 16-9-2009 by 4th petitioner.
- Ex.P69 — Copy of the show cause notice with enquiry report, dated 4-5-2010.
- Ex.P70 — Copy of the reply, dated 17-5-2010 by 4th petitioner to show cause notice.
- Ex.P71 — Copy of punishment order given by respondent to 4th petitioner, dated 31-8-2010.
- Ex.P72 — Copy of the letters given by 4th respondent, dated 7-9-2010.

List of respondent's exhibits :

- Ex.R1 — Copy of the petition, dated 4-12-2009 filed by the first petitioner to Labour Officer.
- Ex.R2 — Copy of the petition, dated 4-12-2009 filed by Umpathy to Labour Officer.
- Ex.R3 — Copy of the petition, dated 4-12-2009 filed by C. Murugan to Labour Officer.
- Ex.R4 — Copy of the petition, dated 4-12-2009 filed by S. Murugan to Labour Officer.
- Ex.R5 — Copy of the failure report, dated 16-4-2010.
- Ex.R6 — Copy of the Government Order, dated 6-1-2011 issued by Labour Department.

T. MOHANDASS,
Presiding Officer, Labour Court,
Puducherry.

**GOVERNMENT OF PUDUCHERRY
CHIEF SECRETARIAT (ART AND CULTURE)**

(G.O. Ms. No. 31, dated 24th May 2013)

ORDER

Approval of the Lieutenant-Governor is hereby conveyed for constitution of Screening Committee to scrutinize the applications and recommend nominees for Tagore International Award for Cultural Harmony conferred by Ministry of Culture, New Delhi. The tenure of the committee comes into effect from the date of issue of this order. The composition of the committee shall be as follows:

- (1) Director (Art and Culture) . . . Chairman
- (2) Under Secretary (Education) . . . Member
- (3) Thiru M. Vetrivel, . . . Member
S/o. Muthiyar,
No. 23, Mettu Street,
Soriyankuppam, Kuruvinatham,
Puducherry-607 402.

(4) Thiru Gopalan @ . . . Member
Puduvai Yugabharathi,
No. 79, Mariamman Koil Street,
Jeevanandapuram,
Puducherry-605 008.

(5) Thiru Aadhavan, . . . Member
No. F-37, Sudandira Ponvizha Nagar,
Puducherry-605 011.

2. The Chairman of the committee shall make necessary arrangements for convening the meeting as and when necessary.

3. The committee may have a tenure of three years from the date of issue of Government order.

(By order)

M. GUNASEKARAN,
Under Secretary to Government (Edn.).

**GOVERNMENT OF PUDUCHERRY
LABOUR DEPARTMENT**

(G.O. Rt. No. 88/Lab./AIL/G/2013, dated 12th June 2013)

NOTIFICATION

Whereas, the Lieutenant-Governor, Puducherry has by notification *vide* G.O. Ms. No. 9/95/Lab., dated 7-4-1995 under sub-section (1) of section 52 of the Puducherry Shops and Establishments Act, 1964 authorised the Secretary to Government, Labour Department, Puducherry to exercise the powers of the Government under section 6 of the said Act relating to exemption;

And whereas, the Karaikal Stationery Merchants Association, Karaikal West Side Viyabarigal Sangam, Karaikal Jewellers Association and Karaikal Jawli Viyabarigal Sangam have applied for grant of exemption to shops and establishments in Karaikal region to keep them open beyond the working hours and on weekly holidays from certain provisions of the said Act on account of important festivals *viz.*, Tamil New Year, Atchayathridhiyai, Re-opening of schools/colleges, Mangani Festival, Ramalan, Adi Month Festival, Vinayagar Chaturthi, Bakrid, Ayuthapooja, Deepavali, Christmas and Pongal, etc.;

Now, therefore, in exercise of the powers conferred by section 6 of the said Act, the Secretary to Government, Labour Department hereby exempt all shops and establishments in Karaikal region from the application of the provisions of the sections 10(1), 12(1), 12(2), 13, 14(1), 14(2), 16(1), 17(1), 17(2), 18 and 19 of the said Act, to keep them open beyond the working hours and on weekly holidays during the under - mentioned festivals period, subject to the following conditions:—